

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

February 6, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on February 6, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Mike Allendorf, Chair
Betty Jarboe, Vice Chair (arrived at approximately 8:36 a.m.)
Rosalind Fishman, Secretary
Paul Bergmann
Lester Turner
Dean Tharp
Lula Howard

Staff Members Present:

Steve Hendrix, Planning & Design Supervisor
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Jon Crumby, Planning & Design Coordinator
Ross Allen, Planner I
Laura Mattingly, Planner I
Joel Dock, Planner I
Paul Whitty, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

JANUARY 23, 2017 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:21 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on January 23, 2017.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Tharp, Vice Chair Jarboe, and Chair Allendorf

Abstain: Member Howard

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BUSINESS SESSION

BOZA_ANNUAL_REPORT

Request: BOZA Annual Report
Case Manager: Brian Davis

NOTE: This item was heard as the last item on the agenda prior to Adjournment.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

01:47:45 Brian Davis presented information from the 2016 Planning & Design Services Annual Report (see recording for detailed presentation).

NOTE: This item was for information purposes only; therefore, no vote or action was taken.

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BUSINESS SESSION

BOZA_ELECTION_OFFICERS

BOZA Annual Election of Officers

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:03:21 On a motion by Member Fishman, seconded by Vice Chair Jarboe, Mike Allendorf was **NOMINATED** as Chairperson for the Board of Zoning Adjustment.

There being no other nominations, the election was closed and the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPOINT** Mike Allendorf as Chairperson.

The vote was as follows:

YES: Members Fishman, Turner, Tharp, Howard, Bergmann, and Vice Chair Jarboe.

ABSTAIN: Chair Allendorf

00:04:27 On a motion by Member Fishman, seconded by Member Bergmann, Betty Jarboe was **NOMINATED** as Vice Chairperson for the Board of Zoning Adjustment.

There being no other nominations, the election was closed and the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPOINT** Betty Jarboe as Vice Chairperson.

The vote was as follows:

YES: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf.

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BUSINESS SESSION

BOZA_ELECTION_OFFICERS

00:05:20 On a motion by Vice Chair Jarboe, seconded by Member Turner, Rosalind Fishman was **NOMINATED** as Secretary for the Board of Zoning Adjustment.

There being no other nominations, the election was closed and the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPOINT** Rosalind Fishman as Secretary.

The vote was as follows:

YES: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf.

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BUSINESS SESSION

CASE NUMBER 16APPEAL1010

Request:	Appeal of a Notice of Violation issued by the Office of Planning & Design Services concerning an alleged junkyard, Board denied the Appeal on November 7, 2016, appellant given 3 months to remove the items
Project Name:	Status Report of Property
Location:	4105 Bishop Lane
Owner:	Jeff Issis
Applicant:	Jeff Issis
Representative:	Jason T. Hardin
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Steve Hendrix, Planning and Design Supervisor

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:07:05 Steve Hendrix provided an update on the case. Mr. Hendrix stated this case is still in the court system (see staff report and recording for detailed presentation).

NOTE: This was an update only; therefore, no vote or action was taken.

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PUBLIC HEARING

CASE NUMBER 16DEVPLAN1216

Request:	Variance from LDC section 5.3.1.C.5, table 5.3.2 to allow the proposed parking to encroach into the required 50 foot setback between a non-residential to a residential setback with no loading.
Project Name:	Hikes Point Christian Parking
Location:	2601 Hikes Lane
Owner:	Pastor Jeff Wallace – Hikes Point Christian Church
Applicant:	Marv A. Blomquist – Blomquist Design Group, LLC.
Representative:	Marv A. Blomquist – Blomquist Design Group, LLC.
Jurisdiction:	Louisville Metro
Council District:	26 – Brent T. Ackerson
Case Manager:	Ross Allen, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:08:43 Ross Allen presented the case and showed a Powerpoint presentation. Mr. Allen responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Marv Blomquist, 10529 Timberwood Circle, Suite D, Louisville, KY 40223
Pastor Jeff Wallace, 2601 Hikes Lane, Louisville, KY 40218

Summary of testimony of those in favor:

00:17:43 Marv Blomquist spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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00:36:48 Pastor Jeff Wallace spoke in favor of the request and responded to questions from Legal Counsel regarding communication with the adjoining neighbor (see recording for detailed presentation).

00:37:51 Ross Allen responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition to the request:

No one spoke.

00:40:15 Board Members' deliberation

00:41:09 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since the proposed parking lines up with the parking that was added in 2003 (no previous cases were found in Hansen or in the Development Application for the subject address) for consistent circulation patterns and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings/screening will be installed in the reduced Landscape Buffer Area (LBA), and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the proposed parking lines up with the parking that was added in 2003 (no previous cases were found in Hansen or in the Development Application for the subject address) for consistent circulation patterns and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings/screening will be installed in the reduced Landscape Buffer Area (LBA) for the required length as approved on Landscape plan case no. L-153-02, and

WHEREAS, the Board further finds that The requested variance will not cause a hazard or nuisance to the public since the proposed parking is on property that is adjacent to the existing church building and is owned by the church. The same landscape buffer area (5 ft.) will be provided as approved in 2003 on landscape plan case no. L- 153—02, and

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WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the church is adding parking to an area of their existing property and matching a previously approved Landscape Plan (L-153-02) to provide consistent circulation patterns with the required screening/plantings located within the 5 ft. Landscape Buffer Area (LBA), and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the proposed parking area is adjacent to the church building and the last possible area for parking expansion without resulting in the need to purchase additional property, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the applicant if, required to have the 50 foot setback, would be unable to expand their parking resulting in the loss of two rows of parking and a drive aisle, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The current proposal adjoins a previously approved Landscape plan (L-153-02) and at that time the 50 foot buffer requirement did not exist in the Land Development Code. The proposed parking will encompass 16,429 sf. (VUA) and have 1,984 sf. of Interior Landscape Area (ILA), and

WHEREAS, the Board further finds that the proposed parking lines up with the parking that was added in 2003 for consistent circulation patterns and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings and screening will still be installed in the reduced LBA, and

WHEREAS, the Board further finds that the proposed parking lines up with the parking that was added in 2003 and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings and screening will still be installed in the reduced LBA, and

WHEREAS, the Board further finds that the proposed parking is on property that is adjacent to the existing church building and is owned by the Church. The same landscape buffer area (5 ft.) will be provided as approved in 2003 and the required plantings and screening will still be installed in the reduced LBA, and

WHEREAS, the Board further finds that the Church is only adding parking to an area of their existing property and matching a previously approved parking area

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to provide consistent circulation patterns and the required screening and plantings will still be installed in the reduced LBA, and

WHEREAS, the Board further finds that the proposed parking area is adjacent to the existing church building and the last area possible for parking without purchasing additional property, and

WHEREAS, the Board further finds that strict application of the 50 ft. setback would eliminate 2 rows of parking and the drive aisle for those rows resulting in only one row of parking, which is not economically justifiable, and

WHEREAS, the Board further finds that the parking area that this project joins was approved in 2002/2003 and the 50 ft. setback did not exist then. The proposed parking lines up with that parking area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16DEVPLAN1216, does hereby **APPROVE** Variance from LDC Section 5.3.1.C.5, table 5.3.2 to allow the proposed parking to encroach by approximately 10,560 sf in area or 45 linear feet into the 50 foot or setback between a non-residential to residential use with no loading along the southwestern property line **(Requirement 50 linear feet, Variance 45 linear feet)**, based on the Staff Report, the applicant's justification, and **SUBJECT** to the **CONDITION** a Landscape Plan developed with Staff is approved.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

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CASE NUMBER 16VARIANCE1101

Request:	Variance to exceed maximum setback
Project Name:	11903 Lilac Way
Location:	11903 Lilac Way
Owner:	Lee Pennington
Applicant:	Allen Construction and Cabinetry – Tony Sweazy
Representative:	Allen Construction and Cabinetry – Tony Sweazy
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:44:00 Joel Dock presented the case and showed a Powerpoint presentation. Mr. Dock responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Tony Sweazy, 7905 Cresthaven Drive, Louisville, KY 40228

Summary of testimony of those in favor:

00:49:34 Tony Sweazy spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition to the request:

No one spoke.

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00:53:37 Board Members' deliberation

00:53:53 Joel Dock responded to questions from the Board Members (see recording for detailed presentation).

00:56:09 On a motion by Member Fishman, seconded by Member Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare as the proposed structure is for a single-family residential use. The preservation of trees and the intent to harness renewable energy sources from the environment surrounding the proposed home will benefit the public health and welfare of the surrounding properties and community by allowing the tree canopy to remain; thus, helping to reduce the impact of urban heat island effects and reduce energy consumption, as well as preserving the residential beauty provided by tree stands in residential neighborhoods, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as trees will be preserved along the frontage of Lilac Way to serve as an established buffer between the home and the right-of-way. Additionally, the home will have an entrance and windows facing Daisy Lane that will have the appearance of a primary façade, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is for a single-family residential structure having no apparent nuisances or hazards caused by light, sound, bulk, setback, access, or odor, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed setback allows for the preservation of trees in this residential community and does not impact the overall pattern of the neighborhood as one moves South from Shelbyville Road, and

WHEREAS, the Board further finds that the variance arises from special circumstances that do not generally apply to the land in the general vicinity as the proposed structure is intended to be a *Net-Zero Ready Home*; meaning that the location of the home on the lot, design of the home, and materials chosen are essential in harnessing enough natural/renewable energy from the environment to offset energy consumption. Standard construction of single-family homes

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within the guidelines of the zoning standards for setback do not consider natural environment to the extent that it is being considered in this particular case, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as trees would need to be removed to the detriment of the community and environmental consciousness of the property owner, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16VARIANCE1101, does hereby **APPROVE** Variance from the Land Development Code (City of Middletown – March 2006) Section 5.4.2.C.1 to exceed the infill established maximum front setback range, based on the Staff Report, and on **CONDITION** an updated site plan be submitted which will reflect the driveway being located at the rear of the house.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

00:58:05 Meeting was recessed.

00:58:21 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 16VARIANCE1102

Request:	Variance to reduce side and rear setbacks
Project Name:	Faulkner Office Building
Location:	10030 Forest Green Blvd
Owner:	Forest Green Land, LLC
Applicant:	Lee Hasken, Faulkner Real Estate
Representative:	William B. Bardenwerper, Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Laura Mattingly, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:58:43 Laura Mattingly presented the case and showed a Powerpoint presentation. Ms. Mattingly responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in favor:

01:07:22 Nick Pregliasco spoke in favor of the request and referred to a Powerpoint presentation. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition to the request:

No one spoke.

01:16:17 Board Members' deliberation

01:17:02 On a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

Variance from Section 5.3.5.C.3.b to allow a 0' setback for parking on the eastern property line:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the property to the east is also an office with a large parking lot that will be connected to this site's parking. This setback will not negatively impact the safety or welfare of pedestrians or vehicular traffic in the area, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as this setback will be consistent with the parking to the east, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as this setback will not affect the flow of traffic, sight lines or pedestrian safety on this site or the abutting site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property to the east is not developed as a residential use and the parking areas will be connected, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a large portion of the parcel cannot be developed due to an open space easement, thereby restricting the space for the building and parking, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as

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the setback would restrict the amount of parking provided causing the proposal to not meet their parking requirement, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant has not undertaken any construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16VARIANCE1102, does hereby **APPROVE** Variance from Section 5.3.5.C.3.b to allow a 0' setback for parking on the eastern property line (**Requirement 20', Request 0', Variance 20'**), based on the Staff Report and presentations by staff and the applicant.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

01:18:39 On a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

Variance from Section 5.3.5.C.3.c to allow a 2' setback for office building, patio and parking on the southern property line:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the property to the south is a designated greenway and will not be developed, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the setbacks are at the rear of the site and won't be easily observed from the public roadway, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as these setbacks will not affect the flow of traffic, sight lines or pedestrian safety on this site or any surrounding site, and

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WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property to the south is not developed and most likely will never be developed, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a large portion of the parcel cannot be developed due to an open space easement, thereby restricting the space for the building and parking, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the setback would restrict the amount of parking provided causing the proposal to not meet their parking requirement or would restrict the size of the building, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant has not undertaken any construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16VARIANCE1102, does hereby **APPROVE** Variance from Section 5.3.5.C.3.c to allow a 2' setback for office building, patio and parking on the southern property line (**Requirement 20', Request 2', Variance 18'**), based on the Staff Report and the presentation by the applicant.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 16CUP1046

Request:	Conditional Use Permit to allow a proposed short term rental that is not the primary residence of the host in a traditional neighborhood zoning district
Project Name:	Short Term Rental
Location:	1236 Garvin Place
Owner:	Weezie Properties, LLC
Applicant:	Weezie Properties, LLC
Representative:	Weezie Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

01:20:08 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jonathan Bevan, 1236 Garvin Place, Louisville, KY 40203

Summary of testimony of those in favor:

01:28:38 Jonathan Bevan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition to the request:

No one spoke.

01:36:06 Board Members' deliberation

01:36:35 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a short term rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The dwelling units**

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have 3 bedrooms each which will allow a maximum of 10 occupants.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The property has parking in a one-car attached garage for each unit and on the street.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, that the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1046, does hereby **APPROVE** the Conditional Use Permit to allow short term rental in a Traditional Neighborhood Zoning District that is not the primary residence of the host, noting a correction to the Case Summary that “the subject property is developed with one building, a duplex with two single family dwelling within”, based on the Standard of Review and Analysis for Conditional Use Permits for Short Term Rentals, acknowledging the calculation on Page 3 under 4C “the dwelling units have 3 bedrooms each which will allow a maximum of 10 occupants”, and 4G “the property has parking in a one-car attached garage for each unit and on the street”, and **SUBJECT** to the following Condition of Approval:

Conditions of Approval

1. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinance.

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The vote was as follows:

**Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair
Jarboe and Chair Allendorf**

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PUBLIC HEARING

CASE NUMBER 16CUP1069

Request:	Conditional Use Permit to allow a proposed short term rental that is not the primary residence of the host in an R-5 zoning district
Project Name:	Short Term Rental
Location:	1125 Mulberry Street
Owner:	Jeff Cross
Applicant:	Jeff Cross
Representative:	Jeff Cross
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

01:38:51 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jeff Cross, 2030 Eastern Parkway, Louisville, KY 40204

Summary of testimony of those in favor:

01:42:11 Jeff Cross responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 16CUP1069

The following spoke in opposition to the request:

No one spoke.

01:45:09 Board Members' deliberation

01:45:36 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appear, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a short term rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The dwelling unit has 2 bedrooms which will allow a maximum of 8 occupants.**

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- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The property has parking on the street and a detached garage at the rear of the property.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1069, does hereby **APPROVE** the Conditional Use Permit to allow short term rental in an R-5 Zoning District that is not the primary residence of the host, based on the Staff Report and the Standard of Review and Analysis for Conditional Use Permits, acknowledging on Page 3 clarification of 4C “the dwelling unit has 2 bedrooms which will allow a maximum of 8 occupants”, and 4G “the property has parking on the street and a detached garage at the rear of the property”, and based on the fact that the owner would be available for any contacts necessary, and **SUBJECT** to the following Condition of Approval:

Conditions of Approval:

1. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinance.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

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ADJOURNMENT

The meeting adjourned at approximately 10:51 a.m.

Chair

Secretary